

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

DETRONE RAGSDALE

PLAINTIFF

V.

NO: 3:19CV252-M-V

**MICKEY MALLET, Lafayette County
Assistant District Attorney, et al.**

DEFENDANTS

ORDER

On September 18, 2020, Magistrate Judge Jane Virden entered a Report and Recommendations [6] (“R&R”) which recommended that (1) plaintiff’s response [5] to the March 12 Show Cause Order be construed as a motion for leave to amend his complaint and denied as futile, (2) all plaintiff’s federal claims against the State of Mississippi and Mickey Mallette (improperly named as Mickey Mallet) in his official capacity be dismissed without prejudice for lack of subject-matter jurisdiction, and (3) that plaintiff’s remaining federal and state law claims be dismissed with prejudice, unless the plaintiff cures – where possible – the pleading defects outlined in the Report.

On October 2, 2020 the plaintiff filed an objection to the R&R. [8] Plaintiff’s objection provide no meaningful response or objection to the report, the filing simply regurgitates the factual allegations and claims contained in the Complaint. Indeed, “no factual objection is raised when a petitioner merely reurges arguments contained in the original petition.” *Edmond v. Collins*, 8 F.3d 290, 293 (5th Cir. 1993).

After reviewing the record, the R&R, the plaintiff’s objections and relevant law, the Court is of the opinion that the R&R should be approved and adopted as the opinion of the Court.

It is, therefore, **ORDERED**:

1. Plaintiff's motion for extension of time to file objections to the report and recommendations [7] is **DISMISSED AS MOOT**. The Court finds the plaintiff's objections to be timely filed, and has considered the document in making this ruling.
2. That the Report and Recommendations of the United States Magistrate Judge dated September 18, 2020, is, hereby **APPROVED AND ADOPTED** as the opinion of the Court.
3. Plaintiff's Response to the March 12, 2020 Show Cause Order [5] shall be construed as a motion for leave to amend the complaint. The plaintiff's motion for leave to amend his complaint is **DENIED AS FUTILE**.
4. All of Plaintiff's federal claims against the State of Mississippi and Mickey Mallet in his official capacity are hereby **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
5. Plaintiff's remaining federal and state law claims are hereby **DISMISSED WITH PREJUDICE**.
6. As there are no remaining viable claims and the case is hereby closed.

IT IS SO ORDERED AND ADJUGED this 7th day of December 2020.

/s/ Michael P. Mills

**UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI**